

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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THEO RIGBY, )  
 )  
 ) Plaintiff, )  
 )  
 )  
 ) -against- )  
 )  
 ) THE CITY OF NEW YORK; MICHAEL )  
 ) BLOOMBERG, Mayor of the City of New York; )  
 ) RAYMOND KELLY, New York City Police )  
 ) Commissioner; STEPHEN HAMMERMAN, )  
 ) Former Deputy Commissioner for Legal Matters, )  
 ) New York City Police Department; DAVID )  
 ) COHEN, Deputy Commissioner for Intelligence, )  
 ) New York City Police Department; THOMAS )  
 ) DOEPFNER, Assistant Deputy Commissioner for )  
 ) Legal Matters, New York City Police Department; )  
 ) NYPD LIEUTENANT DANIEL ALBANO; NYPD )  
 ) DEPUTY INSPECTOR KERRY SWEET, NYPD )  
 ) Legal Bureau Executive Officer; NYPD Legal )  
 ) Bureau Senior Counsel RUBY MARIN-JORDAN )  
 ) NYPD LEGAL BUREAU SUPERVISOR(S) AT )  
 ) PIER 57; JOSEPH ESPOSITO, Chief of the New )  
 ) York Police Department; THOMAS GRAHAM, )  
 ) Commander, Disorder Control Unit, New York City )  
 ) Police Department; JACK MCMANUS, Assistant )  
 ) Chief, New York City Police Department; BRUCE )  
 ) SMOLKA, former Commander, Patrol Borough )  
 ) Manhattan South, New York City Police )  
 ) Department; TERENCE MONAHAN, Assistant )  
 ) Chief of the Bronx Borough Command; JOHN J. )  
 ) COLGAN, Assistant Chief, New York City Police )  
 ) Department; POLICE INSPECTOR JAMES ESSIG; )  
 ) POLICE DEPUTY CHIEF THOMAS GALATI; )  
 ) POLICE DEPUTY INSPECTOR GERALD )  
 ) DIECKMANN; POLICE CAPTAIN LORENZO )  
 ) JOHNSON, POLICE LIEUTENANT PATRICK )  
 ) CORTRIGHT; POLICE LIEUTENANT MARK )  
 ) KEEGAN; POLICE OFFICER NICHOLAS )  
 ) GRAVINO, Shield No. 16767; JOHN DOES; )  
 ) RICHARD ROES; HUDSON RIVER PARK )  
 ) TRUST, )  
 )

**PROOF OF SERVICE**

**ECF CASE**

**07 Civ. 7751 (RJS)(JCF)**

Defendants. )  
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STATE OF NEW YORK )  
)ss.:  
COUNTY OF NEW YORK )

I, Jeffrey A. Rothman, being an attorney duly admitted to practice before this court and the courts of the State of New York, hereby affirm under the penalties of perjury:

I am not a party to this action, I am over 18 years of age and I am self-employed as an attorney at 315 Broadway, Suite 200; New York, New York, 10007.

On December 4, 2007, approximately 2:00 p.m., at the New York City Police Department Counter-Terrorism Unit, 1 Police Plaza, Room 1109, New York, NY 10038, I served the Summons and Complaint upon ASSISTANT CHIEF OF POLICE JOHN J. COLGAN, a defendant therein named, by personally delivering and leaving at his actual place of business with the Desk Officer, Detective Gloria Felix, Shield No. 103, a person of suitable age and discretion who accepted the papers on his behalf, a true copy or copies of the aforementioned documents. On December 6, 2007, I then mailed a copy of the aforementioned documents to ASSISTANT CHIEF OF POLICE JOHN J. COLGAN, a defendant therein named, at the New York City Police Department Counter-Terrorism Unit, 1 Police Plaza, Room 1109, New York, NY 10038, his actual place of business, via first class mail, proper postage affixed to a sealed envelope bearing the legend "personal and confidential" and not indicating on the outside thereof in any manner that the communication is from an attorney or concerns an action against the person to be served.

On December 4, 2007, approximately 2:00 p.m., at the New York City Police Department Intelligence Bureau, 1 Police Plaza, Room 1108, New York, NY 10038, I served the Summons and Complaint upon DEPUTY POLICE COMMISSIONER DAVID COHEN and DEPUTY POLICE CHIEF THOMAS GALATI, defendants therein named, by personally delivering and leaving at their actual place of business with the Desk Officer, Police Officer Delia Beplat, Shield No. 27255, a person of suitable age and discretion who accepted the papers on their behalf, a true copy or copies of the aforementioned documents. On December 6, 2007, I then mailed a copy of the aforementioned documents to DEPUTY POLICE COMMISSIONER DAVID COHEN and DEPUTY POLICE CHIEF THOMAS GALATI, defendants therein named, at the New York City Police Department Intelligence Bureau, 1 Police Plaza, Room 1108, New York, NY 10038, their actual place of business, via first class mail, proper postage affixed to sealed envelopes bearing the legend "personal and confidential" and not indicating on the outside thereof in any manner that the communication is from an attorney or concerns an action against the person to be served.

On December 4, 2007, approximately 2:00 p.m., at the New York City Police Department Legal Bureau, 1 Police Plaza, Room 1406, New York, NY 10038, I served the Summons and Complaint upon POLICE COMMISSIONER RAYMOND KELLY, FORMER DEPUTY POLICE COMMISSIONER STEPHEN HAMMERMAN, ASSISTANT DEPUTY POLICE

COMMISIONER THOMAS DOEPFNER, POLICE LIEUTENANT DANIEL ALBANO, DEPUTY POLICE INSPECTOR KERRY SWEET, RUBY MARIN-JORDAN, POLICE CHIEF JOSEPH ESPOSITO, and FORMER POLICE COMMANDER BRUCE SMOLKA, defendants therein named, by personally delivering and leaving at their actual place of business with Evan Gluck, Esq., a person of suitable age and discretion who accepted the papers on their behalf, a true copy or copies of the aforementioned documents. On December 6, 2007, I then mailed a copy of the aforementioned documents to POLICE COMMISIONER RAYMOND KELLY, FORMER DEPUTY POLICE COMMISIONER STEPHEN HAMMERMAN, ASSISTANT DEPUTY POLICE COMMISIONER THOMAS DOEPFNER, POLICE LIEUTENANT DANIEL ALBANO, DEPUTY POLICE INSPECTOR KERRY SWEET, RUBY MARIN-JORDAN, POLICE CHIEF JOSEPH ESPOSITO, and FORMER POLICE COMMANDER BRUCE SMOLKA, defendants therein named, at the New York City Police Department Legal Bureau, 1 Police Plaza, Room 1406, New York, NY 10038, their actual place of business, via first class mail, proper postage affixed to sealed envelopes bearing the legend "personal and confidential" and not indicating on the outside thereof in any manner that the communication is from an attorney or concerns an action against the person to be served.

December 11, 2007

  
Jeffrey A. Rothman, Esq.